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EXAMINER	
MANNING, JOHN	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/810,365	KIM, YEONG-TAEG	
	Examiner	Art Unit	
	John Manning	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 1, 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed May 1, 2006 (previously filed January 24, 2006) have been fully considered but they are not persuasive.

The primary argument presented against the Lawler reference is that the Broadcasting Schedule Information and the Preview Program are not **simultaneously** delivered to the user. In fact, the Applicant points to Lawler, col. 10, lines 27-33 and lines 49-52 which specifically describe that the program summary panel 108 (including the preview 110) are not delivered to the station controller 18 along with the information in the program time information in the grid 80. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Broadcasting Schedule Information and the Preview Program **simultaneously** delivered to the user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner points out that the Broadcasting Schedule Information consists of the program time information in the grid 80 and the program description 114, which is displayed in the program summary panel 108 simultaneously (not claimed) with the preview window 110. Therefore, the Lawler reference reads on the claim language in the regard that the program description 114 and the preview video clip being displayed in the preview window 110 are delivered and displayed simultaneously even if the argued language was claimed. The program description information 114 may be obtained from the electronic program guide data servers 34 and video clips may be obtained from the continuous media servers [col. 10, lines 42-56]. Applicant further agues that Lawler fails to show downloading the Broadcasting Schedule Information while the Preview Program is being decoded and displayed. Lawler discloses that during the operation of the system, if the required Broadcasting Schedule Information is not in memory, downloading the Broadcasting Schedule Information from the headend (Col 15, Lines 4-32). Furthermore, in relation to the arguments regarding claim 3-4, the Applicant claims that the Lawler reference does not disclose the claimed TS demultiplexer for demultiplexing and outputting a signal representative of the Preview Program. Applicant is directed to Col 6, Lines 29-40, Col 6, Lines 58-65 and Col 10, Lines 42-56 of Lawler. Furthermore, in relation to the arguments regarding claim 5, the Applicant claims that the Lawler reference does not disclose the claimed System and Schedule Manager. In contrast to the Applicants arguments, the Lawler reference clearly states "central processing unit (CPU) 58 in

conjunction with a memory system 60 controls operation of the station controller 18. For example, the **CPU 58 controls selection of analog-based programming, digital-based programming** or applications delivered from the head end 12, accesses or activates selected applications or delivers information to or requests information from the head end 12" [col. 7, lines 45-51]. The Examiner contends that this CPU clearly meets the claimed system and schedule manager functionality for controlling the means for decoding and directing a data stream flow of data from the digital television signal. The decoding is met by the selection of analog or digital -based programming and the data stream flow of data from the digital television signal is **clearly** met by the request of information from the head end, which, as will be seen throughout the Lawler patent, can be forwarded to a reminder system or a recording system (flows from input to any one of multiple possible options).

In relation to the arguments regarding claim 7, the Applicant claims that the Lawler reference does not disclose a decoder or an audio decoder. As was discussed above, the digital decoder 54 decodes the digital video signals received over communications line 48. Subsystem 63 then works under control of the CPU to present a viewable video signal to display 20. The video signal is decoded and displayed using the decoder and the subsystem. The fact that decoder and video subsystem work with MPEG-2 signals [col. 5, line 32] speaks to the fact that they work with video and audio bit streams. While Lawler does not explicitly mention audio, it is extremely well known and commonly accepted that MPEG signals and any sort of video signal for display at a user device, for that matter, include audio signals as well. Video processors that

process audio information are commonplace in the art. After all, video information would be close to useless without accompanying audio information. In other words, video and audio go hand-in-hand, hence the term "A/V system" being so accepted in the art. MPEG-2 signals almost always contain audio information and systems process the audio information in much the same way as they process video information. Therefore, while video information is displayed to the user, accompanying audio information is output to the user, creating a full viewing/listening experience.

In relation to the arguments regarding claim 8, the Examiner contends that the Lawler reference clearly teaches means for generating an icon to overlay the video output during display. The fact that Lawler points out various overlays and bitmap images being overlaid on digital video signals by the graphics subsystem 62 makes it very clear that the functionality exists [col. 7, lines 52-65].

In relation to the arguments regarding claim 10, the Examiner contends that the Lawler reference provides a clear interpretation of managing future programs. It is clearly inherent in the application that some sort of queue is used to record programs when the show becomes available in the future. Two commonly accepted definitions of the term queue are "a temporary holding place for data" or "a storage space in memory or on disk that holds incoming transmissions until the computer can process them." The Lawler reference makes it very clear that upon reaching a certain time, a program is recorded, therefore inherently teaching a queue which sorts the record requests by time in a FIFO management scheme, wherein when a program is actually received, the record request is pushed out of the queue and the recording commences. The

arguments relating to Lawler not having a queue are, in view of the above comments, not persuasive.

In relation to the arguments regarding claim 11, the Examiner, again, contends that the Lawler reference provides a clear disclosure of reminding the user when a start time is soon approaching about an up-coming program. In column 14, lines 42-43, Lawler **clearly** states that the reminder is used to remind users shortly before the selected program is available. Since the user has already selected that the program reminder should occur, it meets the fact that the user is notified prior to the start time of the program and the program is displayed after the reminder.

In relation to the arguments regarding claim 12, the same applies as was discussed above with regards to claim 11, and the previous rejection still stands. The fact that a pre-determined time must elapse before the recording takes place is clearly taught by the fact that Lawler states, "record the show when it becomes available", in other words, record the show after an amount of time has elapsed.

In relation to the arguments regarding claim 13, see the above remarks regarding claim 1 (the primary argument).

In relation to the arguments regarding claim 14, the Examiner contends that the summary panel 108 request is delivered via an MPEG-2 packet (which is an option according to column 5, line 32), the summary panel 108 including both the preview video clips and the program description information 114.

In relation to the arguments regarding claim 15, the icons are clearly visible at the same time that the preview window is clearly visible. Figure 8 displays a preview

window 110 as well as a remind or record option 140 or 130, respectively. The icons for remind and record are displayed simultaneously with the summary panel 108.

In relation to the arguments regarding claim 16, see the above remarks regarding claim 1 (the primary argument).

In relation to the arguments regarding claim 17, see the above remarks regarding claim 14.

In relation to the arguments regarding claim 18, see the above remarks regarding claim 15.

In relation to the arguments regarding claim 19, see the above remarks regarding claim 1 (the primary argument).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al US patent 5,585,838, cited by examiner.

Regarding claim 1, the claimed receiver for a digital video service network is met as follows:

- The claimed means for receiving a digital television signal from a transmission channel, the digital television signal including Preview

Program and Broadcasting Schedule Information, the Preview Program and the Broadcasting Schedule Information relating to a Main Program is met by the ability for the Lawler receiver to receive a digitally encoded (MPEG2) video/data stream with preview programs, main programs, and schedule information. Column 5, lines 30-36 describe the digital data delivery and column 10, lines 42-56 describe the preview program operation.

- The claimed means for decoding the digital television signal is met by the digital decoder 54 of figure 2, which serves to decode input 48 digital video.
- The claimed means for providing an output signal reflective of the Preview Program for display is met by the discussion of the preview being displayed to the user in the preview window and delivered via delivery path 48 from head-end 12 [col. 10, lines 42-56].
- The claimed means for downloading the Broadcasting Schedule Information while the Preview Program is being decoded and displayed is met by the program time guide's ability to display and update from the head-end 12 [col. 8, lines 26-30] while the Preview Program is being displayed in the preview window [col. 10, lines 42-56]. As was stated in the above remarks, the Broadcasting Schedule Information consists of the program time information in the grid 80 and the program description 114, which is displayed in the program summary panel 108 simultaneously with

the preview window 110. The program description 114 and the preview window are delivered at the same time [col. 10, lines 52-56].

Regarding claim 2, the claimed means for demodulating the received digital television signals and extracting bit streams describing the digital television signal is met by analog demodulator 52, or the digital decoder 54, which both serve to select one or more analog or digital video signals out of the plurality that are present on input 48.

Regarding claim 3, the claimed TS demultiplexer for demultiplexing and outputting a signal representative of the Preview Program is met by the digital decoder, which serves to demodulate, decode, and demultiplex the modulated and multiplexed [see the Digital Mod. System 38 and the MUX 42 of Figure 1] signal sent from head-end 12 through input 48. The signal can be the Program Information, the Main Program, or the Preview Program for display in the preview window [col. 6, lines 54-63 and col. 10, lines 42-56].

Regarding claim 4, the claimed fact that the aforementioned TS demultiplexer outputs the Broadcasting Schedule Information is met by the fact that the TS demultiplexer (as described above in the rejection to claim 3) can receive the program time guide and the program description information 114 from the head-end over input line 48, and therefore, receive it through the multiplexer and demultiplexer [col. 8, lines 27-31].

Regarding claim 5, the claimed System and Schedule Manager for controlling the means for decoding, the System Manager further directing a data stream flow of data from the digital television signal is met by the CPU 58 of Figure 2. The CPU serves to

control the decoder and the data flow from input 48 [col. 7, lines 52-65]. See the above comments relating to claim 5.

Regarding claim 6, the claimed Digital Storage Device for receiving, storing and replaying data reflective of the Main Program, the Main Program being related to the Preview Program and the Main Program being described by the Broadcasting Schedule Information is met by the inherent teachings of a recording device. In column 14, lines 30-48, Lawler et al discuss the use of a "future program options menu" [Fig. 8], wherein the user can select to record a program at a later time (whenever it is broadcast) that is currently being previewed in preview window 110 and described by the cell in the program time guide, so that it can be viewed in the future at the user's convenience.

Regarding claim 7, the claimed application decoder for decoding audio and video coded bit streams of the Preview Program or the Main Program, the Audio/Video decoders sending an Audio output signal for transducing into sound and a decoded video signal for processing and display is met by the video processor subsystem 63, which is used to process, decode, and output the video to the display device for viewing [col. 7, lines 52-65]. The video signal is decoded and displayed using the decoder and the subsystem. The fact that decoder and video subsystem work with MPEG-2 signals [col. 5, line 32] speaks to the fact that they work with video and audio bit streams. While Lawler does not explicitly mention audio, it is extremely well known and commonly accepted and therefore inherent to the Lawler reference, that MPEG signals and any sort of video signal for display at a user device, for that matter, include audio signals as well. Video processors that process audio information are commonplace in the art.

After all, video information would be close to useless without accompanying audio information. In other words, video and audio go hand-in-hand, hence the term "A/V system" being so accepted in the art. MPEG-2 signals almost always contain audio information and systems process the audio information in much the same way as they process video information. Therefore, while video information is displayed to the user, accompanying audio information is output to the user, creating a full viewing/listening experience.

Regarding claim 8, the claimed means for generating an icon to overlay the video output of the decoded video signal during display is met by the discussion of the mixer's 64 ability to blend and mix locally generated graphics onto digital and analog video signals [col. 7, lines 62-65]. For example, this can be seen in Figures 7-9, wherein a user can select from a plurality of icons in menu options.

Regarding claim 9, the claimed Broadcasting Schedule Information including information describing the Main Program, including channel number and start time is met by the mention of the program grid and the program description information 114, each cell containing information relating the channel number and start time and the program description information relating to the time remaining in the program [col. 8, lines 31-35 & Fig. 8].

Regarding claim 10, the claimed Schedule Queue for receiving at least the start time of the Broadcasting Schedule Information, the start time being compared with a system clock to determine when to have control signals sent to instruct the receiver to process the Main Program is met by the discussion of the ability for a viewer to select

the remind or record feature in the "future program options menu" of Fig. 8. The remind feature causes the system to set a reminder for the selected program. The reminder is then used to remind the user of the program shortly before it is to be broadcast. The record feature causes the system to set a record time for the program, therefore letting the system record the show when it becomes available in the future [col. 14, lines 30-48]. While no specific mention of a queue is made, it is inherent in the teachings of this reservation type system that within the CPU and memory units, some sort of queue exists to store these requests and compare starting times to the system clock and allow for execution or recording of the queued programs. Two commonly accepted definitions of the term queue are "a temporary holding place for data" or "a storage space in memory or on disk that holds incoming transmissions until the computer can process them." Based on the Examiner's own knowledge of the art, queue's usually function in a FIFO (First In First Out) methodology. The Lawler reference makes it very clear that upon reaching a certain time, a program is recorded, therefore inherently teaching a queue which sorts the record requests by time in a FIFO management scheme, wherein when a program is actually received, the record request is pushed out of the queue and the recording commences.

Regarding claim 11, the claimed ability to notify the viewer that the start time is approaching and requesting an instruction as to whether the viewer desires that the Main program be recorded or displayed is met by the "future program options menu" of Fig. 8 and it's ability to remind the user of the program shortly before it is to be broadcast [col. 14, lines 30-48].

Regarding claim 12, the claimed means for notifying providing an instruction to record if the viewer does not input any instruction within a predetermined time is met by the fact that the record option has already been selected prior to the time the program is beginning [col. 14, lines 30-48]. The countdown time for display of the program is met by the ability for the system to remind the user of an upcoming program and respond to input whether or not to tune to that channel for viewing.

Regarding claim 13, the claimed method for providing MPEG-2 digital television signals is met as follows:

- The claimed step of providing a Preview Program, the Preview Program relating to a Main Program is met by the discussion of a preview window 110, which displays a preview program to give the user an idea of the contents of the main program for the selected time slot [col. 10, lines 42-56].
- The claimed step of providing Broadcasting Schedule Information relating the Main Program is met by the program time guide, which is downloaded and displayed at the receiver and has cells in a table (like a standard EPG) which correspond to Main Programs (future, past, or present) [col. 8, lines 27-35].
- The claimed step of coding the Preview Program into an MPEG-2 signal is met by column 5, lines 30-36, wherein an MPEG2 video signal is disclosed and used to deliver the main program, the preview program, and the programming information.

- The claimed step of embedding the Broadcasting Schedule Information into the MPEG-2 signal such that the Broadcasting Schedule Information will be received by a digital television receiver while the Preview Program is being decoded by the digital television receiver is met by the teaching in column 5, lines 30-36, wherein Lawler et al disclose a system which sends the guide information simultaneously with the broadcast of video and in an MPEG-2 signal. The fact that the Broadcasting Schedule Information is updated during the decoding of the Preview Program is met by the program time guide's ability to display and update from the head-end 12 [col. 8, lines 26-30] while the Preview Program is being displayed in the preview window [col. 10, lines 42-56]. As was stated in the above remarks, the Broadcasting Schedule Information consists of the program time information in the grid 80 and the program description 114, which is displayed in the program summary panel 108 simultaneously with the preview window 110. The program description 114 and the preview window are delivered at the same time [col. 10, lines 52-56].

Regarding claim 14, the claimed step of coding a notice into the MPEG-2 signal, the notice being applied by the receiver in such a manner to inform the viewer that they are receiving an MPEG-2 signal which includes both the Preview Program and the Broadcasting Schedule Information is met by the ability for the system to show the user a set of icons which relate to the information being displayed and the ability for one of those icons to relate to the program for later viewing [col. 10, lines 27-40 and col. 14,

lines 30-49]. Furthermore, the summary panel 108 request is delivered via an MPEG-2 packet (which is an option according to column 5, line 32), the summary panel 108 including both the preview video clips and the program description information 114.

Regarding claim 15, the claimed notice being an icon simultaneously displayed with the Preview Program is met by the displayable icons as discussed above [col. 10, lines 27-40] and the fact that the icons can be used to remind or record the program for viewing at a later time [col. 14, lines 30-49]. The icons are clearly visible at the same time that the preview window is clearly visible. Figure 8 displays a preview window 110 as well as a remind or record option 140 or 130, respectively. The icons for remind and record are displayed simultaneously with the summary panel 108.

Regarding claim 16, the claimed MPEG-2 digital television signal is met as follows:

- The claimed Preview Program coded within the MPEG-2 signal, the Preview Program relating to a Main Program is met by column 5, lines 30-36, wherein an MPEG-2 video signal is disclosed and used to deliver the main program, the preview program, and the programming information. The preview program is displayable in the preview window 110 upon selection of a Broadcast Schedule Information cell located within the program time guide and relating to a Main Program.
- The claimed Broadcasting Schedule Information embedded within the MPEG-2 signal, the Broadcasting Schedule Information relating to the Main Program is met by the fact that the programming information can be

sent in an MPEG-2 signal with the Preview Program and the Main Program [col. 5, lines 30-36].

- The claimed Broadcasting Schedule Information being embedded into the MPEG-2 signal such that the Broadcasting Schedule Information will be received by a digital television receiver while the Preview Program is being decoded by the digital television receiver is met by the teaching in column 5, lines 30-36, wherein Lawler et al disclose a system which sends the guide information simultaneously with the broadcast of video and in an MPEG-2 signal. The fact that the Broadcasting Schedule Information is updated during the decoding of the Preview Program is met by the program time guide's ability to display and update from the head-end 12 [col. 8, lines 26-30] while the Preview Program is being displayed in the preview window [col. 10, lines 42-56]. As was stated in the above remarks, the Broadcasting Schedule Information consists of the program time information in the grid 80 and the program description 114, which is displayed in the program summary panel 108 simultaneously with the preview window 110. The program description 114 and the preview window are delivered at the same time [col. 10, lines 52-56].

Regarding claim 17, the claimed notice coded into the MPEG-2 signal, the notice being applied by the receiver in such a manner to inform the viewer that they are receiving an MPEG-2 signal which includes both the Preview Program and the Broadcasting Schedule Information is met by the ability for the system to show the user

a set of icons which relate to the information being displayed and the ability for one of those icons to relate to the program for later viewing [col. 10, lines 27-40 and col. 14, lines 30-49]. Furthermore, the summary panel 108 request is delivered via an MPEG-2 packet (which is an option according to column 5, line 32), the summary panel 108 including both the preview video clips and the program description information 114.

Regarding claim 18, the claimed notice being an icon simultaneously displayed with the Preview Program is met by the displayable icons as discussed above [col. 10, lines 27-40] and the fact that the icons can be used to remind or record the program for viewing at a later time [col. 14, lines 30-49]. The icons are clearly visible at the same time that the preview window is clearly visible. Figure 8 displays a preview window 110 as well as a remind or record option 140 or 130, respectively. The icons for remind and record are displayed simultaneously with the summary panel 108.

Regarding claim 19, the claimed method of displaying an MPEG-2 digital television signal is met as follows:

- The claimed step of displaying a program coded within an MPEG-2 signal, the Program relating to a related item of choice for the viewer is met by the use of the preview window to display the preview program. The preview program is related to the main program, which will be broadcast sometime in the future [col. 10, lines 27-56].
- The claimed step of receiving ordering information embedded within the MPEG-2 signal simultaneously with the display of the program, the ordering information relating to the item of choice, and the ordering

information allowing a viewer to select the item while the program is being displayed is met by the ability for the preview program to display in the preview window 110 and afford the ability of ordering the main program [col. 14, lines 30-49] (such as in a pay-per-view system).

Regarding claim 20, the claimed step of providing a notice to a viewer, the notice being applied to the viewer in such a manner to inform the viewer that they are receiving an MPEG-2 signal which includes both the program and the ordering information is met by the ability for the system to show the user a set of icons which relate to the information being displayed and the ability for one of those icons to relate to the ordering of a program for later viewing [col. 10, lines 27-40 and col. 14, lines 30-49].

Regarding claim 21, the claimed notice being an icon simultaneously displayed with the program is met by the displayable icons as discussed above [col. 10, lines 27-40] and the fact that the icons can be used to order the program for viewing at a later time [col. 14, lines 30-49].

Regarding claim 22, the claimed program being a Preview Program, the item of choice being an associated Main Program and the ordering information being Broadcasting Schedule Information is met by the fact that the preview is displayed in the preview window 110, the preview being related to a future main program and the program time guide being the Broadcasting Schedule Information with the ability to display icons which represent this information [col. 10, lines 27-56].

Regarding claim 23, the claimed receiver of claim 1 wherein the Broadcasting Schedule Information is delivered to the means for receiving a digital television signal

simultaneously with the Preview Program is met by the fact that the Broadcasting Schedule Information consists of the program time information in the grid 80 and the program description 114, which is displayed in the program summary panel 108 simultaneously with the preview window 110. Therefore, the Lawler reference reads on the claim language in the regard that the program description 114 and the preview video clip being displayed in the preview window 110 are delivered and displayed simultaneously. The program description information 114 may be obtained from the electronic program guide data servers 34 and video clips may be obtained from the continuous media servers at the same time, upon request from the interactive station controller 18 [col. 10, lines 42-56].

Regarding claim 24, the claimed receiver of claim 10, further comprising a means for comparing the start time with a system clock, and then sending control signals to instruct the receiver to display the Main Program at the start time is met by the inherent display of the program after the reminder timer. Column 14, lines 30-48 discuss many of the options available in the future program options menu 136. The user can choose to set a reminder, or the user can choose to set a recording. When a reminder is chosen, the system clock inherently compares itself to the chosen reminder so that it can display a reminder shortly before the selected program is available. The record option starts recording a show when it becomes available. It is clearly inherent here that a system clock is used to compare start times to provide activation of the programs for either viewing or recording whenever their start time is comparable to the system clock time.

Conclusion

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM
May 25, 2006

JOHN MILLER
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